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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,118	01/07/2004	Paul A. Smethers	3399P033D	7184
26529	7590	01/23/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,118

Applicant(s)

SMETHERS ET AL.

Examiner

Mylinh Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaudet et al. [US. 5,689,668].

As to claims 1, 5, 7, 11, 13 and 15, Beaudet et al. disclose a computer implemented method and corresponding apparatus for displaying a hand-held wireless communication device comprising the steps/means for a processor, a display and a storage device having a browsing stored therein, which when executed by the processor; persistently displays an icon (Level 1 button) in a predetermined part (1st Zone (20)) of each of a plurality of display screens (multiple screens are Level 1, Level 2) of hyperlinked content, the icon representing a pop-up browser menu that contains a plurality of items (Level 1 choice A, Level 1, choice B...) representing browser-specific features; responds to user selection of a predetermined selectable item in any of the display screens by providing a user-perceivable indication that the pop-up browser menu (Level 1 menu) is currently selectable and responds to a selection input when the pop-up browser menu is currently selectable by

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displaying the pop-up browser menu (column 2, line 65 through column 3, line 3).

Beaudet et al. fail to clearly a hand-held wireless communication device.

However, it was well known that the hand-held wireless communication device is taught in the computer art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the well known implementation of the hand-held device with Beaudet et al.

Motivation of the combination would have been easy to carry of the portable device.

As to claims 2, 6, 8, 12 and 14, Beaudet et al. also disclose the hand-held wireless communication device further comprising a selection control and a set of directional controls for moving a selection indicator bi-directionally along only a single axis; and the hand-held wireless communication device lacks a direct pointing device and wherein the pop-up browser menu can be accessed by a user using only the set of directional controls and the selection control (figure 1, the multiple choices A, B, C....can be selected by a set of control keys of the keyboard such as up arrow key, down arrow key....).

As to claims 3 and 9, Beaudet et al. show the predetermined part of each of the display screens is a title bar of each of the display screens (figure 1, Level 1 is the title of the screen).

As to claims 4 and 10, Beaudet et al. also show the predetermined selectable item is a top selectable item in any of the display screens (figure

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1, the user can select Level 1 choice A as the predetermined selectable item).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER